

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: October 15, 2020

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| ANDREW SCARLETT and, | * | |
| TAMARA DAWES, <i>as surviving</i> | * | Unpublished |
| <i>and/co-Personal Representatives of</i> | * | |
| <i>the estate of M.J.S.</i> | * | |
| | * | No. 19-1555V |
| Petitioner, | * | |
| v. | * | Special Master Gowen |
| | * | |
| SECRETARY OF HEALTH | * | |
| AND HUMAN SERVICES, | * | Order Concluding Proceedings; |
| | * | Vaccine Rule 21(a). |
| Respondent. | * | |
| * * * * * | * | |

Joshua A. Whisler, The Whisler Law Firm, Boca Raton, FL, for petitioner.
Lynn C. Schlie, United States Department of Justice, Washington, DC, for respondent.

ORDER CONCLUDING PROCEEDINGS¹

On October 7, 2019, Andrew Scarlett and Tamara Dawes, as surviving parents and co-personal representatives of the estate of M.J.S. (“petitioners”) filed a petition in the National Vaccine Injury Program.² Petition (ECF No. 1). On October 14, 2020, petitioners filed a motion to dismiss their petition pursuant to Vaccine Rule 21(a)(1). Petitioner’s Motion (“Pet. Mot.”) (ECF No. 23). Respondent has not filed a Rule 4(c) report.

Accordingly, pursuant to Vaccine Rule 21(a), the above-captioned case is **dismissed without prejudice**. The Clerk of the Court is hereby instructed that **judgment shall not enter** in the instant case pursuant to Vaccine Rule 21(a).

¹ Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. **This means the opinion will be available to anyone with access to the Internet.** Before the opinion is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the opinion will be posted on the court’s website without any changes.** *Id.*

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

IT IS SO ORDERED.

s/Thomas L. Gowen
Thomas L. Gowen
Special Master